

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the following comments are respectfully requested.

Claims 7, 9 - 14, 23, and 24 are pending in the application. Currently, all claims stand rejected.

By the present amendment, independent claims 7, 13 and 24 have been amended.

In the office action mailed May 22, 2006, claims 7, 9 - 14, and 23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffelner in view of U.S. Patent No. 5,688,105 or GB 2,304,158, both to Hoffelner; and claim 24 was rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffelner and further in view of Wolfe et al.

The foregoing rejections are traversed by the instant response.

With regard to the obviousness rejection of claims 7, 9 - 14 and 23, independent claim 7 is directed to a brush seal segment comprising a bristle arrangement having a retention section and a pair of plates flanking the bristle arrangement and having a channel to frictionally engage the retention section. The channel extends to an end of at least one of the plates. The claim further calls for each of the plates to have a surface which abuts and contacts the bristles of the bristle arrangement with at least one of the surfaces forming a portion of the channel. Still further, the claim says that the channel allows movement of the retention section before the plates are secured together and prevents movement of the retention section after the plates are secured together.

At best, Hoffelner '252 illustrates the prior art where a plurality of bristles is positioned between two plates 8 and 9. Hoffelner '252 does not illustrate or discuss any retention

section and does not illustrate or discuss the claimed channel which frictionally engages the retention section. As admitted by the Examiner, he merely assumes that there is some retention section and that there is some channel that engages the retention section. Such an assumption is without merit. The Hoffelner '252 patent does not expressly show the claimed retention section and/or the claimed channel. For example, there is nothing in Hoffelner '252 which would indicate that there is any channel which allows movement of the retention section before the plates are secured together and prevents movement of the retention section after the plates are secured together. In fact, Hoffelner merely shows the inner ends of the bristles being positioned between the planar surfaces of plates 8 and 9. The Examiner also has not made out a case of inherency. To establish inherency, the Examiner must show that the missing descriptive matter is necessarily present in the thing described in the reference and that it would be so recognized by persons of ordinary skill. Inherency may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient. It is well known in the prior art to affix the bristles to plates merely by joining them directly to the plates using an adhesive or other joining material. If the Examiner wishes Applicant to cite a piece of prior art showing such a construction, other than what is shown in Fig. 1 of the application, the Examiner is hereby requested to advise Applicant.

The Hoffelner '105 and Hoffelner '158 patents do not cure the aforesaid deficiencies of Hoffelner '252. None of these references teaches or suggests a bristle arrangement having a retention section and a channel that frictionally engages the

retention section. As can be seen from both of these patents neither teaches or suggests an arrangement where each plate has a surface which abuts and contacts the bristles of the bristle arrangement. In the Hoffelner '105 and '158 patents, the web (5) never contacts the bristles. In fact, there is a covering ring (6) positioned between the bristles and the web (5). Thus, even if one of ordinary skill in the art were somehow motivated to combine the references in the manner suggested by the Examiner, the modified device would not meet the limitation in claim 7 of each plate having a surface which abuts and contacts the bristles of the bristle arrangement.

With respect to independent claim 13, there is no disclosure in any of the references that the brush seal segment is part of a packing ring. Further none of the Hoffelner references teaches or suggests frictionally engaging opposed sides of the retention section. As for claim 14, there is no disclosure in any of the references of the packing ring including a labyrinth seal.

Further, none of the cited and applied references teaches or suggests a channel having the width and length called for in claim 9. Further, none of the references teaches or suggests a channel located on both of the plates as set forth in claim 11.

Claims 10, 12 and 23 are allowable for the same reasons as claim 7 as well as on their own accord. None of the cited and applied references shows any channel located on at least one of the plates (claim 10), a bristle ring (claim 12), and/or a uniform channel depth (claim 23).

With respect to the obviousness rejection of claim 24, the Wolfe patent relied upon by the Examiner as showing the use of a weld joint does not cure the aforesaid deficiencies of Hoffelner. Consequently, claim 24 is allowable for the same

reasons as claim 7. Neither reference teaches or suggests a channel frictionally engaging opposed sides of the retention section, which allows movement of the retention section before the plates are secured together and prevents movement of the retention section after the plates are secured together. Further, one of ordinary skill in the art would have no reason to replace clamping tube and the core ring used by Hoffelner '105 or '158 by a weld joint such as Wolfe's. The Examiner does not explain why one of ordinary skill in the art would be motivated to make such a substitution.

For the foregoing reasons, the instant application is in condition for allowance. Such allowance is respectfully solicited.

Entry of the instant amendment is appropriate because it places the case in condition for allowance. It does not raise any issue of new matter and does not raise anything which would require further consideration and/or search by the Examiner.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, he is hereby invited to contact Applicant's attorney at the telephone number listed below.

A notice of appeal is enclosed herewith in the event that the Examiner maintains the rejections of record. Also enclosed is a check in the amount of \$500.00 to cover the cost of the notice of appeal.

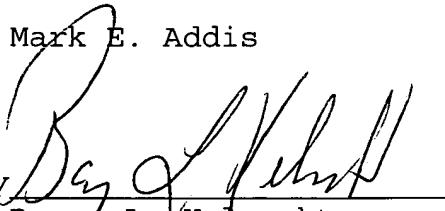
Appl. No. 10/065,897
Amdt. Dated Aug. 21, 2006
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Docket No. 085.10713 (04-532)
Expedited Prosecution

Should the Director determine that a fee is due, he is hereby authorized to charge said fee to Deposit Account No. 21-0279.

Respectfully submitted,

Mark E. Addis



By Barry L. Kelmachter
BACHMAN & LaPOINTE, P.C.
Reg. No. 29,999
Attorney for Applicant

Telephone: (203) 777-6628 ext. 112
Telefax: (203) 865-0297
Email: docket@bachlap.com

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I, Karen M. Gill, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on August 21, 2006.

